

***United States Court of Appeals  
for the Second Circuit***



**APPELLANT'S  
BRIEF**



75-1414

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

B  
P/S

UNITED STATES OF AMERICA

PLAINTIFF-APPELLEE

-AGAINST-

ISAAC WILLIAMS

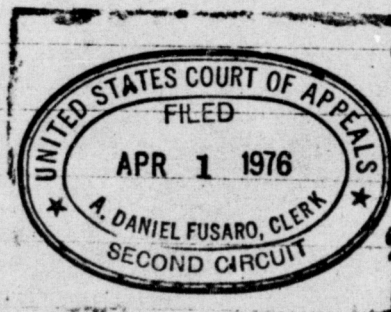
DEFENDANT-APPELLANT

Docket NO-75-1414

BRIEF FOR APPELLANT

PURSUANT TO

ON APPEAL FROM A JUDGEMENT OF THE  
UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK



UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA  
PLAINTIFF-APPELLEE

- AGAINST -

ISAAC WILLIAMS

DEFENDANT-APPELLANT

DOCKET NO - 75-1414

BRIEF FOR APPELLANT  
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ON APPEAL FROM A JUDGEMENT OF  
THE UNITED STATES DISTRICT COURT  
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MOTION PRESENTED

TO OPPOSE ANY MOTION BY THE UNITED STATES ATTORNEY  
TO THE COURT OF APPEALS; REQUESTING THAT THE APPEAL OF  
APPELLANT, WILLIAMS BE DISMISSED.

TO REQUEST THAT THE MOTION OF THE LEGAL AID SOCIETY,  
FEDERAL DEFENDER SERVICE UNIT TO BE RELIEVED AS COUNSEL BE  
GRANTED.

TO REQUEST THAT OTHER COUNSEL BE ASSIGNED TO REPRESENT  
THE APPELLANT, WILLIAMS BEFORE THIS COURT.



## PRELIMINARY STATEMENT

THIS IS A REQUEST FOR THE DISMISSAL OF A MOTION BY THE UNITED STATES ATTORNEY TO DISMISS THE APPEAL OF APPELLANT WILLIAMS FROM A JUDGEMENT OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK (THE HONORABLE DUDLEY B. BONSAL) RENDERED ON DECEMBER 8, 1975, CONVICTING APPELLANT WILLIAMS OF EIGHTEEN COUNTS OF MAIL FRAUD (18 U.S.C. § 1341) AND SENTENCING HIM TO CONCURRENT TERMS OF INCARCERATION OF EIGHTEEN MONTHS ON EACH COUNT.

FURTHER, THIS IS A REQUEST THAT THE MOTION OF THE LEGAL AID SOCIETY, FEDERAL DEFENDER SERVICE UNIT, TO BE RELIEVED AS COUNSEL BE GRANTED, AND THAT OTHER COUNSEL BE ASSIGNED TO REPRESENT THE APPELLANT WILLIAMS IN ORDER FOR HIM TO PRESENT HIS APPEAL BEFORE THE COURT OF APPEALS FOR REVIEW. I PRAY THIS COURT WILL GRANT MY REQUEST. I AM UNABLE TO AFFORD COUNSEL. I PRAY I MAY BE GRANTED THE RIGHT TO BE HEARD BEFORE THE COURT OF APPEALS, SO THAT THEY MAY REVIEW AND REACH A DECISION ON MY APPEAL ON THE MERIT, AND ISSUES OF LAW.

BEING NOT QUALIFIED TO ACT AS MY OWN ATTORNEY I AM ATTEMPTING TO STATE WHAT MERITS I WISH TO PURSUE. THEY ARE IN TERMS AND FORMS I AM SURE NOT IN KEEPING WITH THE PROPER FORMAT IN ITS PRESENTATION BEFORE THIS COURT; HOWEVER I PRAY THIS COURT SHALL ACCEPT THE MEANING AND ATTEMPT BY THE APPELLANT WILLIAMS, AND USE ITS VAST KNOWLEDGE OF LAW AND UNDERSTANDING IN MAKING A DECISION ON MY BEHALF.

## MERITS

### PROCEDURE

DURING THE TRIAL OF THE APPELLANT WILLIAMS THERE WERE CERTAIN BANK RECORDS (GOVERNMENT EXHIBITS 2-3-6-T) RECEIVED AS EVIDENCE BY THE COURT (32-33'). THESE BANK STATEMENTS REFLECTED OVERDRAWN CHECKS (136, 137). THE AMOUNT OF THESE CHECKS TOTAL \$5,579 (24-25). THE RULING OF THE COURT AS TO THE ENTERING OF THESE RECORDS WAS FOR THE PURPOSE OF BANK RECORDS ONLY (33-34). THE GOVERNMENT PROCEEDED TO VIOLATE THIS RULING THROUGHOUT THE TRIAL BY USING THESE RECORDS TO ESTABLISH INTENT (235-240-271-275). THE DEFENDANT WILLIAMS TESTIFIED AS TO HAVING PAID THE PERSONS VOLUNTARILY IN AUGUST OF 1973 UPON HIS OWN DISCOVERY (135-136-137). THE GOVERNMENT FAILED AT ANY POINT OF THE TRIAL TO DISCREDIT THIS TESTIMONY BY PRODUCING EITHER THE CHECKS REFLECTED IN THESE STATEMENTS; OR PRODUCE THE PERSONS INVOLVED OR TO WHOM THESE CHECKS WERE GIVEN TO. ACCORDING TO THE TESTIMONY OF THE DEFENDANT WILLIAMS AS TO THE VOLUNTARILY PAYING OF THESE PERSONS (135-136-137) AND THIS TESTIMONY GOING UNCHALLENGED BY THE GOVERNMENT, OR PROVED OTHERWISE, THEIR USE; AFTER THE TESTIMONY OF THE DEFENDANT WILLIAMS WHICH SHOWED A CLEAR CASE OF NO INTENT WAS IMPROPER AND RAISES QUESTIONS OF LAW; IN THAT THE GOVERNMENT CONTINUED TO USE THESE BANK STATEMENT AS AN INSTRUMENT TO IMPLY INTENT (235-240-271-275).

NUMERALS IN PARENTHESES REFER TO PAGES OF THE TRIAL TRANSCRIPT



## MERITS

PROCEEDURE

IT IS FURTHER STATED THAT THE USE OF THESE BANK STATEMENT; GOVERNMENT EXHIBITS 2-3-6-7 FOR THE PURPOSE TO SHOW INTENT WAS IN VIOLATION OF THE RULING OF THE COURT (33-34). THAT THEY WERE ENTERED AS PART OF BANK RECORDS ONLY. IT IS THE CONTENTION OF THE APPELLANT WILLIAMS THAT IF THE GOVERNMENT WANTED TO USE THESE BANK STATEMENTS TO SHOW INTENT; IT SHOULD HAVE BEEN REQUIRED TO PRODUCE THE CHECKS REFLECTED IN THESE BANK STATEMENTS TO ALLOW THE DEFENDANT TO TESTIFY AS TO THEIR ~~VALUE~~ <sup>VALIDITY</sup> AND TO CHALLENGE THEM; AS THERE WAS TESTIMONY AS TO WHETHER HE DID IN DEED WRITE THEM (134-135-136-137) AND TO PRODUCE THE PERSONS INVOLVED IN THESE OVERDRAWN CHECKS; SO THAT THE DEFENDANT WILLIAMS COULD CONFRONT THEM AND CHALLENGE THEIR TESTIMONY AND ESTABLISH HIS INNOCENTS OF INTENT. IT IS MY BELIEF THAT THE PROCEDURE FOLLOWED BY THE GOVERNMENT DENIED ME A FAIR AND IMPARTIAL TRIAL, AND THAT THERE MAY BE QUESTIONS OF LAW HERE TO BE PURSUED.

IT IS FURTHER STATED THAT THESE BANK STATEMENTS (GOVERNMENT EXHIBITS 2-3-6-7), WAS A VERY KEY ISSUE IN THE DELIBERATIONS OF THE JURY. (300-301); BEING FOUR OF THE SIX PIECES OF EVIDENCE REQUESTED BY THEM IN THEIR DELIBERATIONS (300-301). BY THE IMPROPER SERIOUS IMPLICATION OF INTENT USED BY THE GOVERNMENT ON THE MINDS OF THE JURY DURING THE TRIAL AS TO THESE ~~AN~~ BANK STATEMENTS

## MERITS

### PROCEDURE

COULD HAVE DENIED ME A FAIR AND IMPARTIAL TRIAL, A QUESTION OF LAW I WOULD LIKE TO EXPLORE,

FURTHER THAT THE BANK STATEMENTS GOVERNMENT EXHIBIT 2-3-6<sup>2</sup> WAS TESTIFIED TO BY THE GOVERNMENT WITNESS BLUMENTHAL AS HAVING NEVER BEEN SENT TO THE DEFENDANT WILLIAMS (26-27). THE DEFENDANT WILLIAMS; THEREBY BEING COMPLETELY UNAWARE OF WHAT THEY REFLECTED OR IMPLIED AT ANY TIME ACCEPT AT HIS TRIAL; HAVING BEEN DENIED BANK RECORDS FOR NEARLY TWO YEARS (166-167), THESE BANK STATEMENTS MAY HAVE BEEN IMPROPERLY USED AT THE TRIAL THEREBY DENYING ME A FAIR AND IMPARTIAL TRIAL, AND THAT THERE MAY BE QUESTIONS OF LAW.

FURTHER THAT THESE BANK STATEMENTS; GOVERNMENTS EXHIBITS 2-3-6-7 ARE A KEY ISSUE IN THE ESTABLISHMENT OF GUILT OR INNOCENCE OF COUNT ONE OF THE INDICTMENT<sup>2</sup>, WHICH STATES "FROM ON OR ABOUT THE FIRST DAY OF MAY 1973, UP TO AND INCLUDING JUNE, 1974, IN THE SOUTHERN DISTRICT OF NEW YORK, AND ELSEWHERE, ISAAC WILLIAMS, THE DEFENDANT, UNLAWFULLY WILFULLY AND KNOWINGLY DID DEVISE A SCHEME AND ARTIFICE TO DEFRAUD CERTAIN DEPARTMENT STORES AND OTHER COMMERCIAL ESTABLISHMENTS (HEREINAFTER

<sup>2</sup>

INDICTMENT IS B TO APPELLANT SEPARATE INDEX.



# MERITS

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## PROCEDURE

REFERRED TO AS THE PARTIES TO BE DEFRAUDED) AND TO OBTAIN MONEY AND PROPERTY FROM THE PARTIES TO BE DEFRAUDED BY MEANS OF FALSE AND FRAUDULENT PRETENSES, REPRESENTATIONS AND PROMISES. IF IT IS IN FACT AS IT WAS TESTIFIED TO (135-136-137) THAT THE ACTS OF THE DEFENDANT SHOWED CLEAR SIGNS OF NO INTENT DURING THE PERIODS THAT THESE BANK STATEMENTS COVERED (FROM THE OPENING OF HIS ACCOUNT MAY 14, 1973 (19) UNTIL AUGUST 10, 1973 A FOUR MONTH PERIOD (24) THAT HE DID IN FACT COVER THE OVERDRAWN CHECKS AND REMEDY THE SITUATION VOLUNTARILY THEREBY REMOVING THE QUESTION OF INTENT TO DEFRAUD DURING THIS PERIOD. THEREFORE THE WORDING OF THE INDICTMENT IMPLIES AN ATTEMPT TO DEFRAUD FROM THE VERY DAY THE ACCOUNT WAS OPENED DOES NOT HOLD TRUE. THE KEY ISSUE HERE IS WITH THE GOVERNMENT USING THESE BANK STATEMENTS TO FALSIFY IMPLY INTENT (235-240-271-275) EVEN AFTER TESTIMONY TO THE CONTRARY (135-136-137) AND THE GOVERNMENT NOT PRESENTING EVIDENCE ~~IN~~ REBUTAL OF THE DEFENDANT'S TESTIMONY; THEIR USE OF THESE BANK STATEMENTS TO IMPROPERLY INFLUENCE THE JURY AS TO INTENT AND TO FURTHER FROM THERE IMPROPER IMPLICATIONS CAUSE THE JURY TO USE THESE BANK STATEMENTS AS A PART OF THEIR DELIBERATION<sup>(300-301)</sup> COULD RAISE SERIOUS QUESTIONS OF LAW AS TO THEIR FINDING THE DEFENDANT GUILTY OF COUNT 1 OF THE INDICTMENT AND THEREBY DENYING THE DEFENDANT A FAIR AND IMPARTIAL TRIAL. FURTHER THAT THE GOVERNMENT USED A DOCUMENT (EMPLOYMENT APPLICATION) GOVERNMENT EXHIBIT 89 (176) IN A MANNER THAT WAS AGAINST THE RULING OF THE COURT (176, 177, 178, 179, 180) IN THAT THIS DOCUMENT WAS ALLOWED FOR THE PURPOSE TO CLARIFY EDUCATION (176, 177) BUT THE GOVERNMENT PROCEEDED TO USE IT TO ESTABLISH OTHER PURPOSES WHICH MADE <sup>(BUT)</sup> ~~(OVER)~~

implications and suggestions to the jury not in keeping with the ruling (177, 178, 179, 180) and thereby making certain questions of law necessary to be explored.



## MERITS

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### CHARGE TO JURY.

ON THE QUESTION OF GOVERNMENT EXHIBITS 2, 3, 6, 7; BANK STATEMENTS USED BY THE GOVERNMENT TO ESTABLISH AND IMPLY INTENT THROUGHOUT THE TRIAL (235, 240, 271, 275) THE PRESIDING JUDGE DID NOT COVER THEIR USE, OR PURPOSE, OR WHAT UNDER THE LAW THEY ARE TO IMPLY AND TO WHAT EXTENT THE JURY COULD USE OR ACCEPT ITS PRESENTATION UNDER THE LAW, NOR TO EXPLAIN THE LIMITS OF ITS USE, ~~THE~~ THE GOVERNMENT'S CONSTANT RELIANCE UPON THESE BANK STATEMENTS BECAME A KEY ISSUE TO HIS CASE (235, 240, 271, 275) AND A KEY ISSUE IN THE JURIES DELIBERATION (300-301). AFTER THE GOVERNMENT HAD CAUSED (THROUGH THEIR CONSTANT IMPLICATION OF INTENT (235, 240, 271, 275) THE MINDS OF THE JURY TO BE POSSIBLY PERSUADED, A FULL EXPLANATION IN THE CHARGE TO THE JURY SEEMED TO HAVE BEEN THE PROPER THING FOR THE COURT TO DO. THESE FACTORS COULD HAVE DENIED ME A FAIR AND IMPARTIAL TRIAL, AND NEEDS TO BE REVIEWED

FURTHER THAT THESE BANK STATEMENTS, GOVERNMENT EXHIBITS 2, 3, 6, 7 WAS TESTIFIED TO AS HAVING NEVER BEEN SENT TO THE DEFENDANT (26, 27), AND THEIR USE AND THE LIMITS OF THEIR USE SHOULD HAVE BEEN COVERED IN THE CHARGE BECOMES A QUESTION OF LAW I BELIEVE, AND NEEDS TO BE EXPLORED.

FURTHER IN THE CHARGE TO THE JURY (292<sup>3</sup>) ONLY THE ENTERING OF CHECKS FROM OTHER DEPARTMENT STORES WAS MENTIONED AS BEING ALLOWED FOR THE PURPOSE OF KNOWLEDGE AND INTENT. HOWEVER BESIDES GOVERNMENT EXHIBITS 2, 3, 6, 7 WHICH WAS USED TO ESTABLISH KNOWLEDGE AND INTENT THERE WAS THE ENTERING OF A CHECK TO ONE SHIRLEY WILLIAMS (GOVERNMENT EXHIBIT 90 (197) WHICH WAS USED FOR PURPOSE OF KNOWLEDGE AND INTENT (19) AND NOT COVERED IN THE CHARGE TO THE JURY, AND THAT THE FAILURE TO

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CHARGE TO JURY IS C TO APPELLANTS SEPARATE INDEX

CHARGE TO JURY

PROPERLY COVER THESE AND OTHER MATTERS, IN THE CHARGE TO THE JURY THAT COULD HAVE DENIED ME A FAIR AND IMPARTIAL TRIAL

EVIDENCE

IT MAY BE A QUESTION OF LAW, AND PROCEDURE IN THAT CERTAIN PIECES OF EVIDENCE WAS ALLOWED TO BE ENTERED IMPROPERLY. FURTHER THAT SOME RULINGS ON THEIR BEING ENTERED WAS NOT MADE CLEAR, THAT CERTAIN RULINGS WERE BOTH VAGUE AND INCONCLUSIVE. FURTHER THAT CERTAIN <sup>COURT</sup> RULINGS WERE VIOLATED IN THE GOVERNMENT'S USE OF THESE PIECES OF EVIDENCE, AND THE GOVERNMENT USE THEM FOR PURPOSES OTHER THAN THE COURT RULINGS ALLOWED.

- ① BANK STATEMENTS - GOVERNMENT EXHIBITS 2, 3, 6, 7
- ② CHECK TO OR FROM ONE SHIRLEY WILLIAMS, GOVERNMENT EXH. BIT 90
- ③ EMPLOYMENT RECORD - GOVERNMENT EXHIBIT 89
- ④ PRIOR CONVICTION
- ⑤ AND OTHER MATERIAL

LACK

THESE ACTS COULD HAVE DENIED ME A FAIR AND IMPARTIAL TRIAL

Information Discovery  
Public ~~Discovery~~ AND ~~Information~~ LAW

THERE WERE MANY PIECES OF EVIDENCE WHICH THE GOVERNMENT FAILED TO TURN OVER TO THE DEFENSE DURING THE PERIOD OF NEARLY TWO YEARS BEFORE TRIAL AND WHICH THEY HAD IN THEIR POSSESSION. MANY PIECES OF EVIDENCE WAS SEEN FOR THE FIRST TIME DURING THE TRIAL. THE DEFENSE HAD REQUESTED ON MANY OCCASIONS BEFORE TRIAL THAT ALL EVIDENCE VITAL TO THE DEFENSE BE TURNED OVER TO THEM. THE ACTIONS OF THE GOVERNMENT IN DENYING



PUBLIC INFORMATION AND DISCOVERY LAW

THIS REQUEST DENIED ME THE RIGHT TO FAIR AND IMPARTIAL TRIAL; IN THAT SOME EVIDENCE WAS VITAL TO MY DEFENSE

SIMILAR ACTS

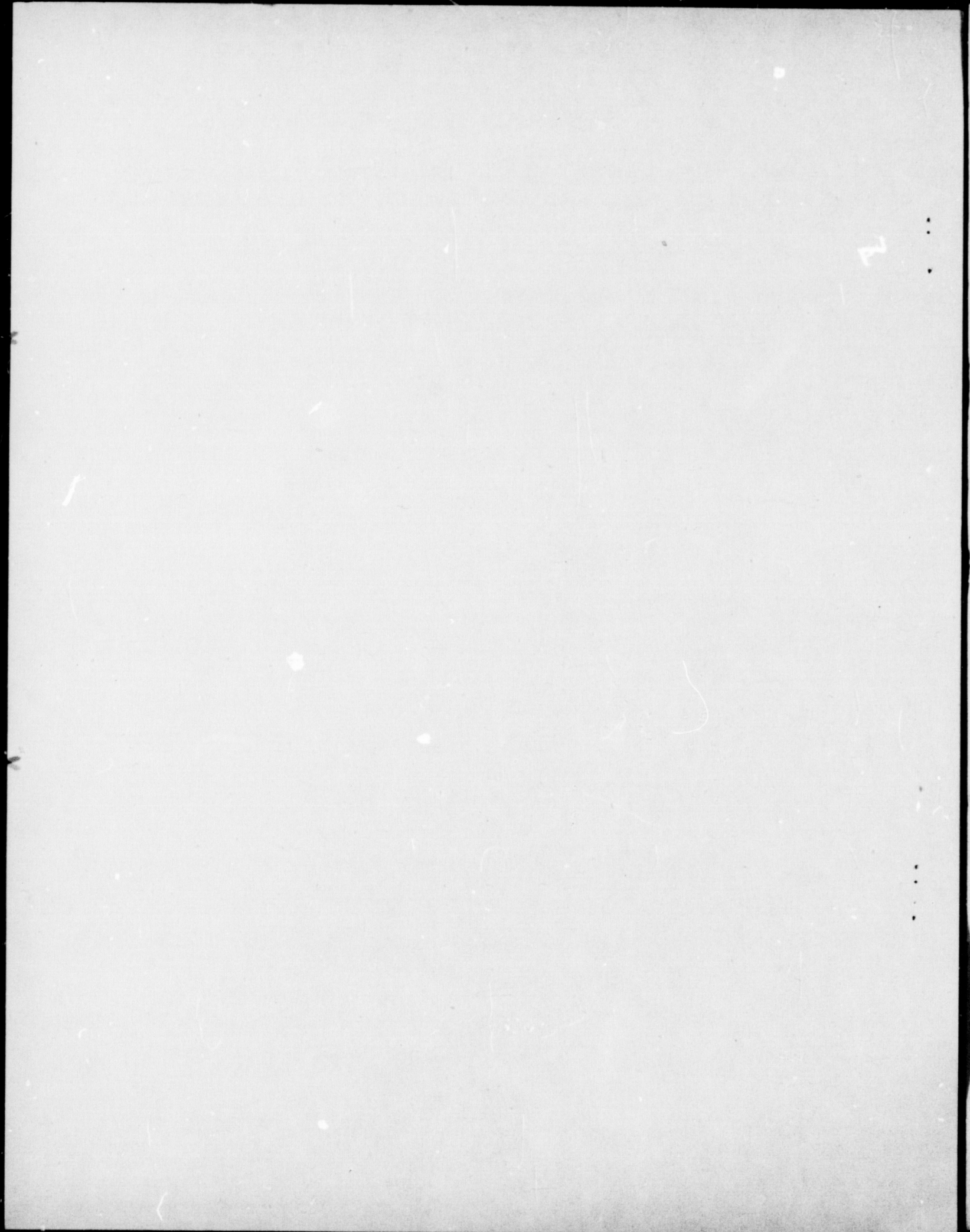
THERE COULD BE QUESTIONS OF LAW AND PROCEDURE AS TO THE COURTS RULINGS AND LACK OF RULINGS IN SOME CASES ON SOME SIMILAR ACTS

CONCLUSION

AS STATED IN MY PRELIMINARY STATEMENT I AM NOT A LAWYER AND <sup>BUT</sup> ~~LEGAL KNOWLEDGE~~ FOR THE FOREGOING REASONS AND ISSUES PRESENTED HERE, ALONG WITH OTHERS A QUALIFIED ATTORNEY WOULD BE ABLE TO DISCOVER AND EXPLORE I BEG THIS COURT TO GRANT ME THE RIGHT TO HAVE MY APPEAL HEARD BEFORE THIS COURT. THE VAST SCOPE AND INTERPRETATIONS OF THE LAW MAKES IT A POSSIBILITY THAT THESE ISSUES ARE VALID UNDER THE LAW. ONLY THIS COURT CAN DECIDE IN ITS REVIEW <sup>OF THIS CASE</sup> ITS OPINION ON THESE MATTERS. I PRAY FOR THAT RIGHT TO BE HEARD BEFORE THE COURT OF APPEALS

Respectfully yours,

ISAAC WILLIAMS - APPELLANT,  
PRO-SE





CERTIFICATE OF SERVICE

April 1, 1976  
PRO SE

I certify that a copy of this brief ~~and appendix~~ has been mailed to the United States Attorney for the Southern District of New York.

Nathaniel Silberman